

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK MATTHEWS,

Plaintiff,

v.

DEMITA PINCHBACK, et al.,

Defendants.

No. 2: 22-cv-01329 DJC KJN P

ORDER

Plaintiff is a state prisoner, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff's amended complaint (ECF No. 55) is stricken from the record.

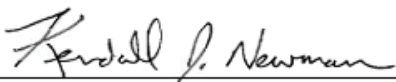
On July 21, 2023, the undersigned recommended that defendant Pinchback's motion to dismiss plaintiff's federal claims against defendant Pinchback as barred by the statute of limitations be granted. (ECF No. 53.) The undersigned also granted, with leave to amend, defendant Pinchback's motion to dismiss plaintiff's state law claims against defendant Pinchback. (Id.) The undersigned granted plaintiff thirty days to file an amended complaint addressing the pleadings defects regarding his state law claims against defendant Pinchback. (Id.)

On August 15, 2023, plaintiff filed an amended complaint. (ECF No. 55.) The amended complaint includes all claims raised in the original complaint, including the federal claims against defendant Pinchback the undersigned recommended be dismissed. (Id.)

1 Upon reconsideration, the undersigned finds that the July 21, 2023 order directing plaintiff
2 to file an amended complaint within thirty days was premature. For this reason, the undersigned
3 orders the amended complaint filed August 15, 2023 stricken. Following the district court's order
4 addressing the July 21, 2023 findings and recommendations, the undersigned will issue further
5 orders addressing the amended complaint.

6 Accordingly, IT IS HEREBY ORDERED that the amended complaint (ECF No. 55) is
7 stricken from the record.

8 Dated: September 6, 2023

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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